

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ANTHONY GEE, #227493, )  
Plaintiff, )  
v. ) CASE NO. 2:06-CV-262-WKW  
(WO)  
JAMES H. DELOACH, et al., )  
Defendants. )

**ORDER**

The Magistrate Judge filed a Report and Recommendation (Doc. # 29) to which no objections were made. After an independent review of the record, and upon consideration of the Recommendation, it is ORDERED that:

1. The Report and Recommendation (Doc. # 29) is ADOPTED;
2. The plaintiff's claims against Ricky Woods are DISMISSED WITHOUT PREJUDICE for lack of service in accordance with the provisions of Rule 4(m), *Federal Rules of Civil Procedure*.
3. Defendant DeLoach's motion for summary judgment (Doc. # 19) is GRANTED;
4. The plaintiff's section 1983 claims against Defendant DeLoach are DISMISSED WITH PREJUDICE;
5. The plaintiff's state law claims of negligence against Defendant DeLoach are DISMISSED WITHOUT PREJUDICE; and
6. This case is DISMISSED.

An appropriate judgment will be entered.

DONE this 9th day of August, 2007.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE